

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

<p>ERIC CERVINI, WENDY DAVIS, DAVID GINS, and TIMOTHY HOLLOWAY,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>ELIAZAR CISNEROS, HANNAH CEH, JOEYLYNN MESAROS, ROBERT MESAROS, DOLORES PARK, and JOHN and JANE DOES,</p> <p style="text-align: right;">Defendants.</p>	<p>Civil Action No. 1:21-cv-00565</p> <p>Hon. Robert Pitman</p>
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**DEFENDANT DOLORES PARK’S ANSWER TO PLAINTIFFS’ ORIGINAL
COMPLAINT**

Defendant Dolores Park, by and through her attorneys, hereby answers Plaintiffs’ original complaint (ECF 1) as follows:

1. Defendant denies the allegations contained in paragraph 1.
2. Defendant denies each and every factual allegation contained in paragraph 2. with the exception that Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations concerning the intent of the Biden supporters.
3. Defendant admits that in the days leading up to October 30, she was aware of the Biden-Harris campaign plans to tour through Texas and that some President Trump supporters would express their support of President Trump with the exception that Defendant denies the characterization of such activity as a “political intimidation campaign” and the remaining factual

allegations contained in paragraph 3.

4. Answering paragraph 4, Defendant lacks knowledge or information to form a belief about the truth of the allegations relating to the occurrences on October 28 and 29 and the feelings of Biden-Harris supporters relating to those alleged occurrences. Further answering paragraph 4, Defendant lacks knowledge or information to form a belief about the truth of the allegation that on October 30, a group of Trump supporters conspired to ambush the Biden-Harris Campaign tour bus.

5. Answering paragraph 5, Defendant denies that the Plaintiffs were attacked by a politically-motivated conspiracy to disrupt and intimidate Biden-Harris supporters. Further, Defendant lacks information or knowledge to form a belief about remaining allegations concerning the intent of Plaintiffs and the other Biden -Harris Campaign supporters.

6. Defendant denies the allegations contained in paragraph 6.

7. Defendant lacks knowledge or information to form a belief about the truth of the allegations concerning the feelings of the driver and passengers on the Biden-Harris Campaign Bus contained in paragraph 7. Defendant, at one point live-streamed while she was several car lengths behind the Bus. Defendant denies the remaining factual allegations, including that she terrorized and menaced the driver and passengers on the Biden-Harris campaign Bus, surrounded the Bus, forced the Bus to take evasive maneuvers, forced it to slow down, drove in front of Bus, swerved in front of the Bus to block its path, played a madcap game of highway “chicken,” coming within three to four inches of the bus, or tried to run the Bus off the road.

8. Defendant denies Plaintiffs’ allegation that Defendant Cisneros sideswiped a Biden-Harris campaign staffer’s SUV. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations concerning Plaintiffs’ fears.

9. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 9.

10. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 10.

11. Defendant admits and agrees with the general principles of First Amendment rights of free speech, association, and assembly contained in paragraph 11. In fact, Defendant believes that she is the subject of this lawsuit because she was exercising those rights.

12. Defendant admits and agrees that Defendants cannot use force, intimidation, or threats against those with whom they politically disagree. Further answering paragraph 12, Defendant denies the factual allegations relating to a conspiracy to use her vehicle as a weapon to interfere with the constitutional rights of Biden-Harris supporters.

13. Defendant denies she was engaged in any conspiracy and denies the legal interpretation and application of the Ku Klux Klan Act of 1871 contained in paragraph 13.

14. Defendant denies any violation of the Klan Act or Texas law. Further, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations that Plaintiffs were injured as result of an unlawful conspiracy or that they were literally and violently driven out of town for their political beliefs or that they are entitled to any form of relief as contained in paragraph 14.

15. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 15.

16. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 16.

17. Defendant lacks knowledge or information sufficient to form a belief about the

truth of the allegations contained in paragraph 17.

18. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 18.

19. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 19.

20. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 20.

21. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 21.

22. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 22.

23. Defendant admits she is a resident of Texas and was driving a Cadillac SRX on October 30, 2020. Defendant denies the remaining allegations contained in paragraph 23.

24. Defendant denies she entered into a conspiracy with anyone including John/Jane Does or any of the Co-Defendants. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 24.

25. Paragraph 25 states legal conclusions, to which no response is required. To the extent a response is required, Defendant denies the allegations in paragraph 25.

26. Defendant denies she committed any violations as alleged in paragraph 26. The remaining allegations state legal conclusions to which no response is required. To the extent a response is required, Defendant denies the allegations in paragraph 26.

27. Paragraph 27 states legal conclusions, to which no response is required. To the extent a response is required, Defendant denies the allegations in paragraph 27.

28. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 28.

29. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 29.

30. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 30.

31. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 31.

32. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 32.

33. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 33.

34. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 34.

35. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 35.

36. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 36. Moreover, the allegations regarding “the January 6, 2021 insurrection,” are irrelevant to Plaintiffs’ cause of action, highly prejudicial, and should be stricken.

37. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 37.

38. Defendant lacks knowledge or information sufficient to form a belief about the

truth of the allegations contained in paragraph 38. Moreover, the allegations are irrelevant to Plaintiffs' cause of action, highly prejudicial, and should be stricken.

39. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 39.

40. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 40.

41. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 41.

42. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 42. Moreover, the allegations are irrelevant to Plaintiffs' cause of action, highly prejudicial, and should be stricken.

43. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 43.

44. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 44.

45. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 45.

46. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 46.

47. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 47.

48. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 48.

49. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 49.

50. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 50.

51. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 51.

52. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 52.

53. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 53.

54. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 54.

55. Defendant admits that she created and posted on her personal Facebook, as she has for other types of events, the flyer referenced in paragraph 55. Defendant, however, denies the characterization that she “circulated calls” to “interrupt” the Biden Bus on the final day of its tour: October 30.

56. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 56.

57. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 57.

58. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 58.

59. Defendant lacks knowledge or information sufficient to form a belief about the

truth of the allegations contained in paragraph 59.

60. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 60.

61. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 61.

62. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 62.

63. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 63.

64. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in paragraph 64.

65. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 65.

66. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 66.

67. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 67.

68. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 68.

69. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 69.

70. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 70.

71. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 71.

72. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 72.

73. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 73.

74. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 74.

75. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 75.

76. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 76.

77. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 77.

78. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 78.

79. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 79.

80. Defendant denies that she ever joined an “ambush of the bus tour,” as alleged in paragraph 80. Further answering paragraph 80, Defendant lacks knowledge or information sufficient to form a belief about what Plaintiffs mean by “around this time.”

81. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 81.

82. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 82.

83. Defendant admits the allegations and the photo of her vehicle contained in paragraph 83 with the exception that Defendant lacks knowledge or information sufficient to form a belief about what time Plaintiffs refer to by the phrase “during the incident.”

84. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 84.

85. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 85.

86. Defendant denies the allegations contained in paragraph 86 characterizing her driving as assisting the gray Ford F-150 “boxing the bus in.” Further answering paragraph 86, Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations.

87. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 87.

88. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 88.

89. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 89.

90. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 90.

91. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 91.

92. Defendant admits the statements attributed to her contained in paragraph 92.

93. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 93.

94. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 94.

95. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 95.

96. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 96.

97. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 97.

98. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 98.

99. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 99.

100. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 100.

101. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 101.

102. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 102.

103. Defendant denies the allegations contained in paragraph 103.

104. Defendant lacks knowledge or information sufficient to form a belief about the

truth of the allegations contained in paragraph 104.

105. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 105.

106. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 106.

107. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 107.

108. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 108.

109. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 109.

110. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 110.

111. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 111.

112. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 112 .

113. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 113.

114. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 114.

115. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 115.

116. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 116.

117. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 117.

118. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 118.

119. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 119.

120. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 120.

121. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 121.

122. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 122.

123. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 123.

124. Defendant admits the statement attributed to her in paragraph 124. Defendant denies she was involved in any violent intimidation of Plaintiffs or that President Trump supported violent intimidation of Plaintiffs. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 124.

125. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 125.

126. Defendant lacks knowledge or information sufficient to form a belief about the

truth of the allegations contained in paragraph 126 with the exception that *at no time* did Defendant ever harass the Bus Tour participants online.

127. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 127.

128. Defendant denies that she ever identified Campaign Staffer A online and harassed him on Snapchat. Further, Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 128.

129. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 129.

130. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 130.

131. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 131.

132. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 132.

133. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 133.

134. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 134.

135. Defendant denies the allegations contained in paragraph 135.

ANSWER TO COUNT I

136. Answering paragraph 136, Defendant incorporates the preceding paragraphs of the answer by reference.

137. Answering paragraph 137, Defendant admits that Count I of Plaintiffs' complaint against Defendants is brought under the Ku Klux Klan Act, 42 U.S.C. § 1985 (3). However, Defendant denies that Plaintiffs have stated a claim under the Ku Klux Klan Act and that the Ku Klux Klan Act is applicable to the claim alleged against Defendant.

138. Defendant denies the allegations contained in paragraph 138.

139. Defendant denies the allegations contained in paragraph 139.

140. Defendant denies the allegations contained in paragraph 140.

141. Defendant denies the allegations contained in paragraph 141.

ANSWER TO COUNT II

142. Answering paragraph 142, Defendant incorporates the preceding paragraphs of the answer by reference.

143. Paragraph 143 states legal conclusions concerning civil conspiracy, to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 143

144. Defendant denies the allegations contained in paragraph 144.

145. Defendant denies the allegations contained in paragraph 145.

146. Defendant denies the allegations contained in paragraph 146.

147. Defendant denies the allegations contained in paragraph 147.

ANSWER TO COUNT III

148. Answering paragraph 148, Defendant incorporates the preceding paragraphs of the answer by reference.

149. Paragraph 149 states legal conclusions concerning civil assault, to which no response is required. To the extent a response is required, Defendant denies the allegations

contained in paragraph 149.

150. Plaintiffs make no allegations against Defendant Park, and therefore her response is not required to paragraph 150.

151. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 151 with the exception that Defendant denies that Cisneros intentionally slammed into Staffer A's car.

152. Defendant denies the allegations contained in paragraph 152.

ANSWER TO PRAYER FOR RELIEF

153. Defendant generally denies all the allegations in Plaintiffs' Complaint, unless specifically designated pursuant to Fed. R. Civ. P. 8(b)(3). Plaintiffs are not entitled to any relief sought in their Prayer for Relief because:

Plaintiffs fail to assert a separate constitutional violation for Count I, which their only alleged basis for federal jurisdiction and therefore lacks subject matter jurisdiction. Plaintiffs lack federal court jurisdiction for Count II and Count III brought under state law. Defendant reserves the right to assert further affirmative defenses as they become evident through discovery. Defendant's alleged conduct and expressions are guaranteed and protected by the U.S. Constitution's First Amendment rights to freedom of speech, freedom of association and freedom of assembly. Any action taken by Defendant was done for legitimate reasons under the First Amendment. That Defendant was not involved in any conspiracy as alleged by Plaintiffs. Nor was her conduct based on any racial animus. Defendant did not interfere with Plaintiffs' right to vote, or any constitutional right protected under 42 U.S.C. § 1985. Defendant never conspired with anyone to deprive Plaintiffs of their right to vote, or any constitutional right protected under 42 U.S.C. § 1985 or otherwise. To the extent Plaintiffs seek damages, punitive or otherwise, from Plaintiff, recovery is limited by

federal law and the Texas and/or United States Constitution. Any award of damages to Plaintiffs in this case would be in violation of federal law and the constitutional safeguards provided to Defendant under the Constitution of the United States and/or the laws of the State of Texas.

WHEREFORE, Defendant prays this Court:

- A) Dismiss the Complaint with prejudice and Enter judgment in Defendant Park's favor that Plaintiffs take nothing by their complaint;
- B) Award Defendant costs incurred in defending against this action; and
- C) Award Defendant any other relief, legal and equitable, including attorneys' fees, to which Defendant is entitled.

JURY DEMAND

Defendant demands a trial by jury on all issues so triable.

DATED: April 25, 2022

THOMAS MORE LAW CENTER

/s/ Richard Thompson

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on April 25, 2022, the foregoing document was served by CM/ECF upon all counsel of record.

/s/ Richard Thompson
Richard Thompson